

REMARKS

Applicant wishes to thank the Examiner for the careful consideration given this application, and the courteous telephone conference of July 10, 2008. During the telephone conference the Examiner advised that statutory period for reply for the Restriction Requirement issued on July 1, 2008 is 1 month of the mailing date, and that the recitation of 2 months provided on the Office Action Summary page of the outstanding Office Action was made in error.

Claims 1-110 are pending in this application, and claims 1-7, 9, 16, 30, 55, 56, 58, 100 and 104 have been amended. Specifically, claims 1-7, 9 and 16 have been amended to provide proper antecedent basis for "AMF inducing inductor" and "susceptor," and claims 6, 7, 30, 55, 56, 58, 100 and 104 have been amended to fix grammatical errors. By these amendments, no new matter has been added.

The Examiner has restricted the application into six (6) invention groups broken down as follows:

I. Claims 1-18, drawn to a thermotherapy system, including treatment with an alternating magnetic field, antibodies, and/or ligands, with specifics of a coil and a magnetic circuit;

II. Claims 19-44, 101 and 102, drawn to a thermotherapeutic method, including exposure to an alternating magnetic field and administering at least one other therapy;

III. Claims 45-71, drawn to a thermotherapeutic method, including exposure to a magnetic field and destroying or inhibiting the vascular of a body, body part or tissue in response to the exposure;

IV. Claims 72-77, drawn to a therapeutic method, including medically imaging a body, body part, tissue, cell, or body fluid and administering an alternating magnetic field;

V. Claims 78-100, drawn to a magnetic material composition, including a magnetic particle that is ligand-bound for disease material marking, with specifics of the ligand; and

VI. Claims 103-110, drawn to a magnetic material composition, with a radionuclide.

Applicant provisionally elects, with traverse, Invention I as defined by claims 1-18, directed to thermotherapy system including a bioprobe or bioprobe system, an alternating magnetic field (AMF) inducing inductor, and a generator coupled to the AMF inducing inductor. The Examiner appears to have additionally required an election of species. However, no

individual species have been identified within the claims of Invention I. Therefore, by the election of Invention I, no election of species is required and Applicant is fully responsive to the Examiner's restriction.

It is respectfully submitted that the search classification for each of at least Inventions I, V and VI will substantially overlap at least because the system of Invention I share elements with the magnetic materials of Inventions V and VI. Applicant respectfully submits that such searches can be concurrently performed and that the Examiner will not be seriously burdened by searching and considering the inventions as described in all the presently filed claims. Accordingly, Applicant respectfully requests withdrawal of the Restriction Requirement from at least Inventions I, V and VI.

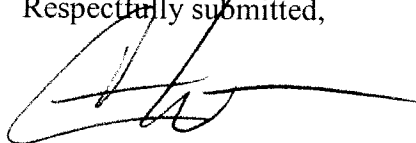
By this election, Applicant does not admit, nor does Applicant waive the right to argue against the Examiner's statement that the groups of inventions are patentably distinct at a later date. Applicant expressly reserves the right to present the claims of Inventions II-VI, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

CONCLUSION

In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, she is invited to contact the undersigned at her convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Wadsworth', written over the words 'Respectfully submitted,'.

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